

REMARKS

The Office Action dated September 22, 2004, included the following rejections, objections, and comments:

1. A new title was required that was clearly indicative of the invention to which the claims are directed.
2. It was requested that the first paragraph of the specification be updated with the current condition of the continuity data.
3. Claims 42-58 and 62-66 were rejected under 35 USC § 102(b) as being anticipated by U.S. 5,261,978 (Reynolds).
4. Claims 59-61 were rejected under 35 USC § 103(a) as being unpatentable over Reynolds.

In response to these rejections, objections, and comments, and in view of the above Amendments, Applicant provides the following Remarks:

1. Correction of Title

A new title was required because the elected claims were directed to the method of making and not the article itself. However, the claims 42-66 which were elected by the preliminary amendment are directed to the article. The preliminary amendment included an amendment to the title changing the title to read "Three-Dimensional Camouflage Fabric". Applicant respectfully submits that the title, as amended, is indicative of the invention to which the claims are directed.

2. Correction of Continuity Data

Applicant has amended the first paragraph of the specification to indicate that the priority application has now issued as U.S. Patent Number 6,751,831.

3. Rejection of Claims 42-58 and 62-66 Under 35 USC § 102(b)

Claims 42-58 and 62-66 were rejected under 35 USC § 102(b) as being anticipated by Reynolds. The present invention is directed to a multi-dimensional camouflage fabric which has flat regions and puckered regions in a single base textile. As illustrated in the application, the preferred method of creating this difference in yarn density is by treating separate regions of a single fabric with different heating conditions. It is the combination of having areas different yarn densities in a single fabric which creates the puckered and flat regions of the present invention. The flat regions and puckered regions are created by the regions having different densities of yarns per linear distance.

Reynolds teaches a composite fabric having a drapeable, small mesh net substrate 12, to which a continuous sheet 16, is attached by stitches 14. The continuous sheet 16 is subsequently cut into a plurality of lobes 18. After formation of the lobes 18, the entire camouflage fabric 50 (the net substrate 12 and the attached lobes 18) is passed through a heater 56 which heats the entire camouflage fabric 50. There is no teaching or suggestion that the net substrate 12 has flat regions and puckered regions with the flat regions having a greater density of yarns than the puckered regions. There is also no teaching or suggestion that the lobes 18 have flat regions and puckered regions with the flat regions having a greater density of yarns than the puckered regions. Additionally, Reynolds does not teach, suggest, or provide a motive for treating different areas of a single base fabric with heat to provide a shrinking effect which creates flat regions and puckered regions on that fabric.

Additionally, Claims 50 and 51 require the flat regions and the puckered regions to correspond with images of objects in a camouflage pattern. Reynolds does not disclose creating distinct separate regions, or correlating those regions to the pattern printed on the textile.

For the above reasons, Applicant respectfully submits that the claimed invention is not anticipated by Reynolds.

4. Rejection of Claims 59-61 Under 35 USC § 103(a)

Claims 59-61 were rejected under 35 USC § 103(a) as being unpatentable over Reynolds. It was asserted that Reynolds instructed the use of textiles that may be woven, non-woven, knits, films, or meshes. It was also indicated that it would have been obvious to a person of ordinary skill in the art to use either a plain or satin weave in the textile of Reynolds based on monetary incentives. However, as previously pointed out, Reynolds does not teach, suggest, or provide a motive for having separate areas of a single textile with different yarn densities which create flat and puckered regions. Therefore, Applicant respectfully submits that there is no teaching, suggestion, or motive to combine the limitation of the separate yarn density areas to create puckered fabrics in any of the constructions noted. Therefore, Applicant respectfully submits that the claimed invention is not obvious in view of Reynolds.